

**HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 1825 OF 2005

IN

WRIT PETITION NO. 971 OF 2003.

Atul S. Kulkarni & Others.

Petitioners.

Versus.

The State of Maharashtra & Anr. ..Respondents.

Shri. S. G. Kudale for the Petitioners.

Shri. V. S. Gokhale, AGP for the respondents.

**CORAM: S.B.MHASE &
D.G.KARNIK, JJ.**

DATE : JANUARY 19, 2006.

P.C.

1. This matter has been circulated by Shri. S.G.Kudale for directions. Shri. Kudale submits that Civil Application No. 1825 of 2005 be adjudicated. We have perused the civil application and prayer made in the application is that the directions be issued to the respondent to appoint petitioner Nos. 1 & 2 as a Junior Clerks in the Judicial Department by virtue of their selection subject to the result of Writ Petition No. 971 of 2003. In fact, this is the final relief which has been claimed in the main petition. If such an interim relief is granted at this stage, scales of justice will adversely tilt. It is the settled

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position in law that the final relief should not be granted by way of an interim order in the petition. Apart from this, it appears from the office record that writ petition is ready for final hearing. As the petition is ready for final hearing, the petitioner may move the matter for final hearing before the appropriate bench. Therefore, we are not inclined to grant the relief claimed in the application.

Application is, therefore, rejected.

(D.G.KARNIK,J.)

(S.B.MHASE, J.)